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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,) CR No. 07-0678 JSW
15 Plaintiff,)
16 v.) STIPULATION AND [PROPOSED] ORDER
17 GLENIO JESUA FERREIRA SILVA,) CONTINUING THE MOTION / TRIAL
18 Defendant.) SETTING DATE
19

20 This matter is on calendar before this Court for Trial Setting on March 7, 2008. The
21 parties now stipulate and request that the Court enter an Order that the Trial Setting date be
22 removed from the March 7, 2008 calendar and be continued until April 3, 2008 and that time
23 should be excluded from the Speedy Trial Act calculations from March 7, 2008 through April 3,
24 2008 for effective preparation of counsel. —

25 The defendant was indicted on October 25, 2007. On November 1, 2007, the parties
26 made their Initial Appearance before this Court and set a further date for Motions / Trial Setting
27 before this Court on Thursday, December 13, 2007 at 2:30 p.m. The parties last appeared before
28 this court on January 24, 2008. On that date, counsel for the government advised that one

1 material witness had been located and that the parties anticipate taking a material witness
2 deposition of this witness in the coming weeks. The Court informed counsel that it expected that
3 all additional discovery, including any depositions shall be concluded by the next calling of the
4 case.

5 Counsel for the government has not been able to complete the material witness deposition
6 due to the following: she suffered a knee injury on February 2, 2008; underwent surgery on
7 February 20, 2008; and returned to the office on March 3, 2008. Counsel for the government
8 was working part-time from February 2, 2008, the date of injury, through February 19, 2008 and
9 was out on medical leave following surgery on February 20, 2008 until March 3, 2008. In
10 addition, on February 21, 2008, another material witness surrendered and is being held in
11 custody pending resolution of an outstanding criminal matter in the Northern District of
12 California.¹ The parties anticipate taking the deposition of this second material witness
13 immediately following the deposition of the first-mentioned material witness. For these reasons,
14 the parties request a four week continuance. The parties agree that time is properly excluded
15 under the Speedy Trial Act for effective preparation of counsel. 18 U.S.C. § 3161(h)(8)(B)(iv).

16
17 SO STIPULATED:

18 JOSEPH P. RUSSONIELLO
19 United States Attorney

20 DATED: March 4, 2008

21 /s/
22 DENISE MARIE BARTON
23 Assistant United States Attorney

24 DATED: March 4, 2008

25 /s/
26 STEVEN GRUEL
27 Attorney for GLENIO SILVA

28 ¹ The criminal matter involving the second witness is docketed as *United States v. Andrea Ferreira Desouza*, CR 07-70346 BZ.

For the foregoing reasons, this matter is continued until April 3, 2008, 2008 at 2:30 p.m. Pursuant to the Speedy Trial Act, Title 18 United States Code, section 3161(h)(8)(B)(iv), the ends of justice are served by granting the requested continuance, given that failure to do so would deny counsel for the Government reasonable time for effective preparation and continuity of counsel, taking into account the exercise of due diligence. Accordingly, time shall be excluded from March 6, 2008 through April 3, 2008.

SO ORDERED.

DATED: March 4, 2008

~~HONORABLE JEFFREY S. WHITE~~
United States District Court Judge